IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 1552 OF 2003

IN

SUIT NO. 1461 OF 2003

Vikas Centre Condomminium .....**Plffs.**
vs.
Smt. Kusum K. Surekha .....**Defnds.**

R.K. Desai for the plaintiffs.
Firdos Pooriwala a/w. Y. Gabriel i/b.
Abil Agarwal for the defendants.
Mr. Rajkumar Surekha, Trustee of the defendant Trust.

CORAM: S.U. KAMDAR, J.

DATE : 6th October, 2005.

P.C. :.

1. Learned counsel for the defendants states that the defendants shall pay to the plaintiffs a sum of Rs.2,74,963/- alongwith interest at the rate of 9% p.a. from the date of the suit till payment and/or realisation. In an event if such amount is not

paid there shall be decree in favour of the plaintiffs and against the defendants for the aforesaid amount of Rs.2,74,963/- with interest at the rate of 9% p.a. from the date of the suit till payment and/or realisation. The defendant shall pay the aforesaid amount within a period of 8 weeks from today.

2. If the amount is not so paid there shall be decree in favour of the plaintiffs and against the defendants.

3. Learned counsel for the plaintiffs accepts the aforesaid proposal and further states that he will take all necessary steps for removing illegal construction of wall which has been constructed between the two shop premises and will initiate action as soon as the aforesaid amount is paid by the plaintiff. In that view of the matter suit decreed accordingly. In view thereof motion does not survive. The same is dismissed as infructious. Refund of court fees as per rules.

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